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To: Commandant of the Marine Corps

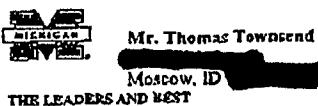
Activity: HQMC Attn: General Counsel

Fax: [REDACTED]

From: Major Thomas A Townsend, USMC (Retired)
Moscow, Idaho

Subject: Comments Regarding the Camp Lemon Drinking Water Fact-Finding Panel Report to the Commandant of 6 October 2004

Comments: Request pass to the Office of the Commandant



Mr. Thomas Townsend

Moscow, ID

22 OCTOBER 2004

General Michael W. Hagee, USMC
Commandant of the Marine Corps
HQMC, 2 Navy Annex
Washington, D.C. 20380-1775

Subj: Comments Regarding the Report to the Commandant, United States Marine Corps By the Drinking Water Fact-Finding Panel for Camp Lejeune

Dear General Hagee,

The following observations and comments reflect the view of this officer as to the Charter for the Panel, the designated objective and scope of activity, Panel membership, the conduct of the fact finding and the conclusions reported by the Panel membership to you on 6 October 2004.

A. The Charter defined the operations of the Panel in ten (10) distinct segments and appears to have been developed/written by HQMC staff (LFL) and issued on 18 March 2004. However the origin/authorship of the Charter has not been verified or cited elsewhere which leaves that question open.

B. The Charter established the Objective and Scope of Activity for the Panel to wit: "Conduct an independent review of the facts surrounding the decisions following the 1980 discovery of volatile organic compounds in drinking water at Marine Corps Base, Camp Lejeune." The Panel was further directed to "focus its efforts on, but not limited to, the period beginning with the 1980 discovery" of VOC's in the MCB drinking water and "concluding with the closure of the affected wells in 1985."

Comment: The Panel was directed to focus on the 1980-1985 period; however, authorized in the Charter to go beyond those parameters and this concept was verbally indicated by Chairman Packard in one of the public comment sessions held in Jacksonville, N.C. This opportunity was generally overlooked by the Panel.

There is mention of activity by agencies other than the Marine Corps prior to 1980; notably the U.S. Environmental Protection Agency, the State of North Carolina, the National Academy of Sciences and the U.S. Public Health Service.

There is nothing in the report to reflect Marine Corps involvement in contamination detection/water quality monitoring expertise prior to 1980 or to any remediation/mitigation of the contamination and involvement with ATSDR, NEHC or LIAUDIV after McBride was placed on the NPL in 1989.

The period 1980-1985 is indeed an important period of time in the contamination saga; however, it is only one of several other important periods that the Panel had the option of investigating. The Panel, for reasons known only to themselves, chose to disregard investigating other critical periods, especially after 1989 and NPL status placed MCPB in direct contact with ATSDR, EPA-4, NEHC, Biomed etc.

C. The Charter named "three core members" namely former Congressman Ronald Packard, Mr. Robert Pirie, Jr., and General Richard Hearn, USMC (Retired).

Comment: Without going into great detail it is apparent to most observers that none of these appointees are independent citizens operating at "arms length" from the issues of the CLNC water contamination issues. Mr. Pirie, as an assistant SECY was deeply involved with the initial attempts of ATSDR to develop

and fund an epidemiological study of childhood leukemia at DDCR and for ATSDR to overcome the hurdles placed by the Navy Environmental Health Center and CMC(N-45) to kill the deal. General Hemmey, as assistant Commandant, was certainly aware of the on-going problems of VOC contamination at CLNE during his tour at HQMC and Mr. Packard was certainly involved with related contamination issues at Camp Pendleton located within his congressional district and presumably aware of the longstanding CLNE fiasco.

I believe the Commandant and Mr. Hubbell's (I&L/LFL) staff could easily have nominated three other citizens from among dozens of competent impartial citizens that would not have arrived on the Panel with such obvious conflicts of interest.

D. Conduct of the Fact-Finding Investigation

1. The Panel Report, beginning at page 2, explains in detail the questions the panel desired the answers to, the process of information discovery, document collection, industry practices of the chosen period and an overview of the review process.

Comment:

A major failure of the discovery process utilized was the absence of legal authority for the panel's investigator to obtain sworn testimony. Attachment E cites twenty five (25) individuals contacted for statements, including myself. I am aware that another fifty (50) individuals that could have provided critical information, because of the voluntary nature of the proceedings, chose not to make statements.

An investigation of this magnitude and seriousness, that is also the subject of an on-going criminal investigation by the Department of Justice/U.S. Environmental Protection Agency, and

fails to provide adequate legal authority to obtain such testimony/statements from knowledgeable personnel is defeating the purpose of the investigation to arrive at the truth of a decades old problem.

I place the blame for this failure on the Homic staff of IAL/LFE for failing to make such authority integral to the Charter.

This lack of force measure coupled with a distinctly reduced time frame of issues under investigation leads me to believe the findings arrived at by the Panel are based on some very flimsy assumptions or bases.

2. The section entitled Document Collection on page 4 of the Report cites the fact that "approximately 660 Marine Corps documents used in ATSDR's public health assessment were included in this review." That is very interesting to this observer since I have submitted, beginning in 2000, multiple Freedom of Information Act document requests to the MCB FOIA officer for the MCB responses to numerous ATSDR questions about MCB water systems and infrastructure and MCB has never been able to provide me with any document that provides any reply made by the command to ATSDR's questions.

I do not doubt that the Panel document reviewers did indeed receive some 660 MCB documents re: ATSDR's Public Health Assessments (PHAs), several versions having been promulgated.

The failure of MCB FOIA officer to provide responsive documents from MCB to ATSDR raises the possibility that the MCB Environmental Management Division (EMD) has been withholding documents that should be available to the public under the Freedom of Information Act.

This is not a Panel problem, but may become one for MCB and HQMC shortly.

This observer has since 2000, when first aware of the contamination, has collected some ± 4000 documents on the subject from all the state and federal agencies noted in the Report plus many others not cited. The results of the FOIA document requests to MCBCLNC have been the least productive of all agencies contacted, especially as regards ATSDR-MCB communications. I believe this is because the MCB Environmental Management Division is the action section responsible for archiving and maintaining environmental /water related documents and at the same time is the Division responsible for the operations of the multiple water supply systems that went awry.

Wrongful deaths, multiple adverse health effects in the thousands and relevant documentation goes missing just as injuries as to operational effectiveness begin to surface.

Page 5 lists a number of State and federal, civilian and military, agencies that were asked for relevant documents under FOIA provisions. I too, five years ago, began requesting relevant documents either by direct request in the early days and later under FOIA as the discovery process became more focused and the 9/11 event caused the information system to contract.

MCBCLNC up until 9/11 was very accomodating to requests for data I requested and I appreciate that support. After that date, with EMD and ERCC involvement, the failure rate has risen dramatically. After some ± 1000 FOIA requests I cannot with certainty state that all relevant documents have been provided as requested assuming they still are available.

Whether the Panel's efforts "to ensure that all relevant documents were collected" resulted in the desired state of compliance remains to be tested. My experience tells me otherwise.

E. Section 1.4, Body of Evaluated Information is enlightening as to the degree of cloofness to the Panel's investigation inquiries. BUMED through their Command relationship with the U.S. Naval Hospital at CLNC ad that facility's Preventative Medicine Unit had a considerable background concerning water quality control matters as well as personnel health issues: child deaths, miscarriages etc during the 1980-1985 period. Both NEHC or its predecessor ad EPA-4 were well in the loop despite their assertions to the contrary. EPA-4 had supervisory primary for the CLNC ad SDWIS in North Carolina until 4 March 1986.

F. Section 1.5, Review Process

Comment: This is a reasoned analysis of what action and knowledge needed to be considered in arriving at the Panel findings. A salient point was made discussing the availability of scientific data on the health effects of VOC's in a public water supply system ad the strong possibility that MCB & EMD was not up to par as regards meeting professional standards. More than a possibility.

I operated a small water system at Camp Garcia, Vieques Island, Puerto Rico in the mid 1960's and asked the American Waterworks Association (AWWA) for technical operational advice when it became obvious that the MCB EMD staff was not keeping up with technologies related to the provision of potable uncontaminated water to a consumer base. LANITDIU in Norfolk and their land managers in San Juan seemed unaware that

the Department of the Navy owned two-thirds of that island and the USMC was operating an expeditionary base camp there.

Sadly, while I was trying to run a modest safe water system for the Marine garrison on a tropical island, my family at Camp Lejeune was being subjected to VOC contaminated water which ultimately led to the in-litter poisoning and death of my son in 1967.

I don't believe MCBS water system operators had ever heard of AWWA or EPA and their health advisories until the damage was done.

F. Part 2, Historical Perspective

Comment: One of the more telling statements in the parts of the Report is the statement on page 18 as follows:

"It is unclear how the informal guidance in EPA's Health Advisories were received by Camp Lejeune water works professionals in the context" - namely date regarding the toxic properties of chemicals commonly found in drinking water and safe levels of human exposure to these substances.

Not only did EPA provide no information in the form of advisories but so did the U.S. Army Environmental Hygiene Agency at Aberdeen and the Naval Environmental Protection Support Service located at Pt. Hueneme.

These two military outlets were providing environmental advisory information DOD made in the 1970's only MCBS/USMC seemed oblivious to the contamination already present in their raw water well fields and were not going to take action until directed to do so.

Even the DON Bureau of Medicine and Surgery was pushing the requirement for the military departments to comply with the U.S. Public Health Service Drinking Water Standards in the 1970's.

The Panel Report, page 19 states "The Panel reviewed abstracts for all articles published in the JAHMS between January 1980 and December 1985 to ascertain the state of the industry's knowledge regarding the potential for TCE and PCE contamination of groundwater, status of monitoring and analysis techniques for TCE and PCE ---."

Surely the Panel doesn't believe there was no reliable data prior to 1980 made available by the EPA and the medical departments as regards those concerns.

There are, within Part 2 Historical Perspective, numerous statements subject to rebuttal; however, this officer will not pursue them at the moment. The Report makes it clear that data from the NAFS and EPA was possibly not being reviewed and acted upon by the military water system operators; however, glosses over that possibility by noting on pages : " ; however, one would have expected them to be at least generally aware of EPA's activities "

Ambient water quality standards were available to the MCB operators, which while not regulatory standards, were widely distributed and reflected the state of scientific understanding concerning the toxicity of chemicals. These were available in 1980 yet the MCB operators seemed oblivious to their content and their import.

In 1983 DOD was concerned about TCE levels at an USAF site and a USA site and received a recommended MCL of 5 ppb from HQ-EPA for those sites. The toxicity data was there but the mandated levels had not made it through Congress -

As noted earlier, I dealt with the MCB water gurus in the mid 1960's and knew then that organizations had not gotten past turbidity and fecal coliform monitoring levels.

that is why I turned to HQEPA, Navy at Pt Hueneme and the
BWRB for technical advice for my small system.

To repeat: I think it bitterly ironic that as I exercised
command responsibility to provide safe potable water to
the military commands utilizing my base (and some indigent
civilian homes) that the commanders at CLNC were slantly
poisoning my unborn son and thousands of other un-suspecting
marines, sailors and their dependents.

I take strong exception to the philosophy of the Report
that the "waterworks professionals were in step with the
rest of the industry - waiting until legal standards were
issued before altering water treatment and monitoring
practices." Was the cost of compliance with regulations,
applicable to civilian providers, an issue with the Marine
Corps? Was the Hednot Point WTP a profit making venture
as opposed to a base support activity?

How could the so called "professionals" operating the Hednot
Point WTP ignore the very definitive danger signals in the
TTHM Surveillance Reports prepared by USAEHA at the request
of HAUTDIV? Did TTHM's mean anything to them - besides
being precursors TTHM's are not compounds desired in
drinking water?

How can a Panel Report to the Commandant state on page
44 "Notwithstanding the water system operators' lack of
understanding of the significance of VOC interference in TTHM
samples, the Panel found no evidence of attempts to conceal
sampling data later found to be indicators of VOC's"?

USAEHA was contracted to conduct a TTHM survey. The report
for determining what the contaminant(s) was evolves upon the Marine
Corps. MCIS failed miserably to take immediate corrective action:

namely to find out the nature of the contaminant, details of its toxicity and where it was entering the system.

This took until 1982 to happen and as a result thousands of persons were unwittingly exposed to VOC's/SOC's and this exposure was not made known to the public until the winter of 1999 at the earliest. Loyalty seemingly does not flow down to the troops.

G. Detailed Findings

Comment: Paragraph 1 of 3-4 "As a result, base residents received water that was comparable in quality to water provided by average civilian water utilities and other base water systems."

This finding is worthy of nothing less than contempt. I know of no water systems of the era, civilian or military, that contained raw water wells with recorded VOC readings of 27,370 ppb of a TCE/DCE/PCE mix. I know of no other Superfund site that had so many contaminated wells that exposed multi-thousands to massive doses of VOC's.

I know of no other community in the USA in which the knowledge of contamination was ignored over by the authorities for decades as was the Camp Lejeune incident. Thirty three years later did my family learn why our son and brother died so mysteriously after being conceived and born at CLBNC.

Tucson, Santa Clara, Town River, Love Canal are mere blips on the epidemiological screen compared to Camp Lejeune and the Report attempts to paint a bright picture of a fiasco.

Most of the findings I believe are disingenuous and self-serving. It is rife with excuses, blame placed on the absence of mandated regulations, the idea that residents did not complain of tainted

water that had no hint of contamination, that LANTDIV did not hold McB's hand close enough and so on ad nauseum.

The findings in bold face seem not to be supported by the follow-on statements. The Panel concedes many errors were made by the system operators and the command at McB slow to move, difficult to comprehend new rules etc etc.

The issue of responsibility and accountability rests with HQMC since the Panel was advisory in nature and not charged with that task. -

The Hippocratic Oath for Physicians: Do no harm exists also in the world of water system management and is the cornerstone of safe operations. The Grander of Water to consumers in a public water system is required to provide SAFE, NON-Contaminated Potable WATER. This has existed for centuries, no fancy scientific levels, lists of Contaminants or CFR rules; just SAFE, NON-CONTAMINATED WATER. No excuses!

My family will never forgive the Marine Corps command leadership for failing to notify this family of the contamination problem that led to the death of our child. That notification was possible in 1985; however, it took until 2000 for the message to arrive and then only by chance.

I personally will exert every effort to force the Marine Corps to accept responsibility and accountability for this gross dereliction of duty and to make amends in some manner.

Whether these efforts will be through Congressional support and pressure or litigation in the federal Courts I am in this battle for the long haul. General Hayes, you can count on that

As a Marine, both enlisted and commissioned, since 1949 I have taken pride in the values of the Marine Corps, the loyalty that went to the leadership and the concern and loyalty that went

from the commanders to their troops.

I was faithful to the Marine Corps while serving my Nation and my Corps.

The Marine Corps has been faithless in dealing with those of us that are the victims of this tragic event. I would hope that this situation of denial, delay, stonewalling and evasion will turn to mitigation and assistance.

In closing I would like to compliment the staff that prepared the Report for a massive task accomplished in a short time period. While I obviously harbor strong objections to portions of the Report, especially the findings, I consider the findings to be the conclusions of the Panel membership for which they alone are answerable.

Respectfully Submitted,

Thomas P. Townsend

MAJOR, USMC (Retired)

CC: Chairman John Warner,
Senate Armed Services Committee
Senator John McCain
Senator J. Jeffords
Rep. John Dingell
Senator E. Dole
Senator M. Crapo